

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TRAFFIC INFORMATION, LLC

vs.

YAHOO! INC., ET AL.

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CASE NO. 2:09-CV-246-TJW-CE

**ORDER**

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 102), which contains his recommendation that the court deny the defendant American Automobile Association, Inc.’s (“AAA”) motions to dismiss for failure to state a claim, or alternatively, for a more definite statement (Dkt. Nos. 25, 85), has been presented for consideration.

On April 27, 2010, AAA filed an objection to Judge Everingham’s report and recommendation (Dkt. No. 104). In its objection, AAA contends that the plaintiff Traffic Information, LLC’s (“Traffic”) vague identification of allegedly infringing products, “traffic information systems and products and services,” prevents AAA from identifying which of its products is accused of infringement. Without this identification, AAA alleges that it cannot obtain indemnification. On June 17, 2010, Judge Everingham entered an order permitting AAA to serve on Traffic an interrogatory requesting the identity of AAA’s products accused of infringement (Dkt. No. 112). As AAA will receive identification of the accused products through this interrogatory, the objection to the report and recommendation is now moot.

The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts, in its entirety, the report of the United States Magistrate Judge as the

conclusions of this court. Accordingly, the defendant's motions to dismiss or for a more definite statement are DENIED.

SIGNED this 21st day of June, 2010.

A handwritten signature in cursive script that reads "T. John Ward". The signature is written in black ink and is positioned above a horizontal line.

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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE